

Appl. No. 09/880,883
Amtd. Dated January 19, 2004
Reply to Office Action of October 20, 2003

REMARKS/ARGUMENTS

Claim Amendments

Claim 19 has been amended to refer to the vertices in part (c)(II) including a vertex secured to each of the vertical members. Part (c)(III) has been modified in the last two sentences to refer back to the vertices of the multi-segment assembly which are secured to the vertical members. Support for this amendment is found in the Figures and, among other places, page 3, lines 21-24; page 7, lines 4-7; and, page 15, line 27 to page 16, line 1. The Applicant submits that no new subject matter is added by these amendments.

Elections/Restrictions

The Office Action states that claims 14-16 are withdrawn as being directed to a non-elected invention. Claims 14-16 depend on claim 19. As discussed below, the Applicant submits that claim 19 is allowable. Since claims 14-16 depend on claim 19, claim 19 is a generic claim covering the species of claims 14-16. Accordingly, the Applicant requests that claims 14-16 be allowed in the present case with claim 19. Further, the Applicant submits that claims 14-16 read on the elected species of Figure 11. Accordingly, the Applicant submits that claims 14-16 should not be treated as withdrawn.

Claim Rejections – 35 USC 112

Claim 19 was rejected for indefiniteness on the basis that there was insufficient antecedent basis for the limitation "multi-segmented assembly which are adjacent to the vertical members". Without admitting that former claim 9 was indefinite, the amendments made to claim 19 now introduce vertices secured to the vertical members in part (c)(II) and then refer to the vertices secured to the vertical members in part (c)(III). The Applicants submit that all elements of claim 19, as amended, have proper antecedent basis.

Claim Rejections – 35 USC 102

Claims 19 and 27 were rejected as being anticipated by Timmerman '184.

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Regarding claim 19, the Office Action refers to Figure 7 and column 8, lines 30-52, of Timmerman. However, the Office Action only states that Timmerman discloses vertically oriented connectors, connected to the vertical members. Claim 19 requires, however, vertically oriented connectors located adjacent to vertices of the multi-segmented assembly which are secured to the vertical members. The connectors 6, 8 in Timmerman are not located adjacent to vertices of the inner members 323, 366, 364. Accordingly, claim 19 is not anticipated by Timmerman '184.

The Office Action also states that claim 27 is anticipated by Figure 7 of Timmerman. However, claim 27 depends on claim 19 and is not anticipated by Timmerman for at least the reasons given in relation to claim 19.

Allowable Subject Matter

The Applicant thanks the Office for indicating that claims 28 and 20-21 are allowable. However, the Applicant submits that the claims do not need to be rewritten in independent form since claim 19 is also allowable.

For the reasons given above, the Applicant submits that claims 19-21, 27 and 28 are allowable and that claims 14-16 should remain part of the application and be allowed.

Respectfully submitted,

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